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CIVIL LIBERTIES AUSTRALIA (ACT) -

MEDIA RELEASE

CIVIL LIBERTIES AUSTRALIA WELCOMES GOVERNMENT AMENDMENTS TO CRIMES BILL

Civil Liberties Australia (ACT) has today welcomed moves by the Government to protect pregnant women through the *Crimes (Offences Against Pregnant Woman) Amendment Bill 2005*, CLA(ACT) spokesperson, Dr Kristine Klugman, said today.

CLA(ACT) has thrown its support behind the Bill after the Government moved to amend the Bill to ease the effect that strict and absolute liability offences would have had.

The earlier draft of the Bill effectively removed the need for the prosecution to prove a “mens rea,” otherwise known as a fault element, which has been a feature of the criminal law for hundreds of years.

The earlier draft also offended the principle of innocent until proven guilty because it is presumed that an assailant knew the woman was pregnant, and that did not have to be proved by the prosecution, nor was the accused allowed to disprove it”

But Dr Klugman said that an amendment moved by the Government today has overcome these problems.

“Now a person will not be liable for an aggravated offence against the Bill if they can show that they did not know and could not have reasonably been expected to know that a woman was pregnant” Dr Klugman said

CLA(ACT) has commended the government for making the amendments.

The amended version of the Bill strikes an appropriate balance between protecting pregnant women on the one hand, and preserving the basic human rights of accused people on the other.

CLA(ACT) also expressed its disappointment at the Liberal Opposition for trying to score cheap political points on such an important issue.

“The Opposition criticised the government for amending the Bill today, but the amendments have the same effect as provisions in an earlier Opposition Bill on the same matter.

Proposed sections 42A(3) and 42A(4) of the Opposition’s *Crimes Amendment Bill 2005* would have had a similar effect as the amendments moved by the Government today.

“Given the similarity in legislation proposed by the Government and Opposition, it is hard to escape the conclusion that the Opposition is opposing the Bill just to be difficult. It also shows that the opposition has done a back-flip on its earlier position.”

“It is a shame that the Opposition has chosen to engage in a scare campaign on such important issues” Dr Klugman said.

7 March 2006

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